

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) PEGGY SPRINKLES,)	
)	
Plaintiff,)	
)	Case No. <u>17-CV-168-SPS</u>
vs.)	
)	
(1) BOARD OF TRUSTEES OF THE TOWN)	Removed from Wagoner County
OF PORTER;)	Case No. CJ-2017-100
(2) PORTER PUBLIC WORKS AUTHORITY;)	
(3) STEVE DICKEY; individually, and)	JURY TRIAL DEMANDED
(4) JACKIE TODD; individually,)	
)	
Defendants.)	

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

COME NOW the Defendants, Board of Trustees of the Town of Porter, Porter Public Works Authority, Steve Dickey, and Jackie Todd (“Defendants”), pursuant to 28 U.S.C. § 1441 *et seq.*, and hereby file this Notice of Removal of the action styled *Peggy Sprinkles vs. Board of Trustees of the Town of Porter; Porter Public Works Authority; Steve Dickey; individually, and Jackie Todd; individually*, Case No. CJ-2017-100, District Court of Wagoner County, State of Oklahoma. Defendants submit that this Court has jurisdiction over federal questions raised in Plaintiff’s Petition pursuant to 28 U.S.C. § 1331. In further support, Defendants would state as follows:

1. Plaintiff instituted this civil action in the District Court of Wagoner County, State of Oklahoma, on April 10, 2017. In her Petition, Plaintiff seeks damages as a result of her termination from the position of water clerk for the Porter Public Works Authority and as a result of the elimination of her position as Treasurer for the Town of Porter. Plaintiff also seeks

declaratory and injunctive relief regarding the elimination of the latter position, which was consolidated with the position of Town Clerk.

2. Plaintiff alleges procedural due process violations under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution.

3. Supplemental jurisdiction over any attendant state law claims is authorized by 28 U.S.C. § 1367.

4. Defendants file this Notice of Removal within thirty (30) days after the receipt by Defendants of papers from which it was first ascertainable that the case is one that is removable.

5. The United States District Court for the Eastern District of Oklahoma is the federal judicial district embracing the District Court of Wagoner County, State of Oklahoma, where this suit was originally filed. Venue is therefore proper under 28 U.S.C. §§ 116(c) and 1441(a).

6. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.2 of the United States District Court for the Eastern District of Oklahoma, clearly legible copies of all documents filed or served in this case, along with a copy of the docket sheet, have been attached hereto as Exhibits 1 through 7, respectively.

7. This Notice of Removal is signed pursuant to FRCP 11, in accordance with 28 U.S.C. § 1446(a).

8. Contemporaneous with the filing of this Notice of Removal, Defendants are providing written notice of filing to Plaintiff and will file a copy of this Notice of Removal with the District Court of Wagoner County, State of Oklahoma.

WHEREFORE, Defendants respectfully submit that this Court has original jurisdiction on the basis of federal question jurisdiction, and through compliance with all applicable requirements for removal, have properly effectuated the removal of this civil action from the

District Court of Wagoner County, State of Oklahoma, to the United States District Court for the Eastern District of Oklahoma.

Respectfully submitted,

BEST & SHARP

s/Travis J. Kirk

Thomas A. LeBlanc, OBA#14768

Travis J. Kirk, OBA #30139

Williams Center Tower 1

One West Third Street, Suite 900

Tulsa, OK 74103

Telephone: (918) 582-1234

Facsimile: (918) 585-9447

*Attorneys for Defendants, Board of Trustees
of the Town of Porter; Porter Public Works
Authority; Steve Dickey, Individually, and
Jackie Todd, Individually*

CERTIFICATE OF MAILING

This is to certify that on this 2nd day of May, 2017, a true, correct and exact copy of the above and foregoing instrument was mailed to:

Brendan M. McHugh, OBA #18422

Dana Jim, OBA #19495

Route 66 Lawyers

P. O. Box 1392

Claremore, OK 74018

Telephone: 918-608-0111

Facsimile: 918-803-4910

Attorneys for Plaintiff

s/Travis J. Kirk